

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DAVID C. HERMAN,

Defendant.

8:09CR445

ORDER

Defendant David C. Herman appeared before the court on December 18, 2018, on an Amended Petition for Warrant or Summons for Offender Under Supervision [138]. Defendant was represented by Retained attorney Jennifer A. Miralles, and the government was represented by Assistant U.S. Attorney John E. Higgins. Defendant waived his right to a probable cause hearing on the Amended Petition pursuant to Fed. R. Crim. P. 32.1(b)(1)(A).

The government moved for detention. Through counsel, Defendant declined to present any evidence on the issue of detention and otherwise waived a detention hearing. Defendant has failed to meet his burden to establish by clear and convincing evidence that he will not pose a danger to any other person or to the community. Fed. R. Crim. P. 32.1(a)(6); 18 U.S.C. § 3143(a)(1).

I find that the Amended Petition [138] alleges probable cause and that Defendant should be held to answer for a final dispositional hearing before Senior Judge Bataillon.

IT IS ORDERED:

1. The government's motion to withdraw the Petition for Warrant or Summons for Offender Under Supervision [126] is granted.
2. A final dispositional hearing will be held before Senior Judge Bataillon in Courtroom No. 3, Third Floor, Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza, Omaha, Nebraska, on January 3, 2019, at 1:30 p.m. Defendant must be present in person.
3. Defendant is committed to the custody of the Attorney General or his designated representative for confinement in a correctional facility;

4. Defendant shall be afforded a reasonable opportunity for private consultation with defense counsel; and

5. Upon order of a United States court or upon request of an attorney for the government, the person in charge of the corrections facility shall deliver Defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

Dated this 18th day of December, 2018.

BY THE COURT:

s/ Michael D. Nelson
United States Magistrate Judge